

REMARKS

Claims 16, 17 and 19 – 38 are currently pending in the application. By the present amendment, claims 16, 19 and 23 have been amended and claim 18 has been canceled. Specifically, claim 16 has been amended to incorporate the features of claim 18, claim 19 has been amended so as not to depend from a canceled claim, and claim 23 has been amended to address a claim objection. Additionally, new claims 33 – 38 have been presented for the Examiner's consideration.

Applicants submit that no new matter is added by the above amendment. Support for the amendment may be found, for example, at least in previously presented claim 18 and paragraphs [0005], [0008] and [0012]. Reconsideration of the rejected claims in view of the above amendments and below remarks is respectfully requested.

Claim Objection

The Examiner objected to claim 23 for informalities. By the above amendment, Applicants have addressed the Examiner's objection. Accordingly, Applicants request the objection to the claim be withdrawn.

35 U.S.C. §112, 1st Paragraph Rejection

Claims 31 and 32 were rejected under 35 U.S.C. §112, 1st paragraph for failing to comply with the written description requirement. Specifically, the Examiner states:

... the original specification and claims did not provide basis for the limitation "with an absence of carrier fluid." While the original disclosure does not state that the invention uses a carrier fluid, it does not explicitly state that it does not.

Applicants respectfully disagree.

Applicants respectfully direct the Examiner to paragraph [0005], which states (emphasis added):

[0005] The pressure liquid used to drive the ejector pump circulates between the ejector pump and the displacement pump, in particular embodied as a multi-phase pump, without any permanent contamination of the delivery mixture. In addition, the energy supply of the ejector pump is ensured without an external energy source, in particular a hydraulic energy source, having to be provided.

Additionally, Applicants respectfully direct the Examiner to paragraph [0008], which states (emphasis added):

[0008] Multi-phase mixtures are characterized by a high variability in their composition, whereby this is a multi-component mixture that can be present in several phases. The composition can change from almost 100% liquid phase to almost 100% gas phase, whereby there can also be large proportions of solids in a multi-phase mixture. In order to achieve a sufficient cooling and sealing of the displacement pump, it is provided that a separation of gas phase and liquid phase is carried out in the displacement pump and the partial liquid flow to the ejector pump is split off from the separated liquid phase. For operating the ejector pump, a liquid is thus used that has only a low gas proportion left and corresponds to the liquid phase of the delivered product. Therefore, there is no change or contamination of the delivery product through the use of the split-off partial liquid flow as an energy source for the ejector pump, and the displacement pump is always supplied on the suction side with a liquid proportion, so that there is a sufficient lubrication, cooling and sealing of the displacement pump.

Further, Applicants respectfully direct the Examiner to paragraph [0010], which states (emphasis added):

[0010] A further development of the invention provides that after the partial liquid flow has been split off, this flow is guided through an additional separator for dividing gas phase from liquid phase, if the separation within the displacement pump has not been sufficient. The additional separator ensures that a liquid phase largely freed of the gas phase is fed to the ejector pump as a pressure liquid and energy source.

Additionally, Applicants respectfully direct the Examiner to paragraph [0024], which states (emphasis added):

[0024]An auxiliary delivery device is made available through the circulation of a partial liquid flow within the pump installation, so that the displacement pump can better convey the multi-phase mixture as a result of the existing prepressure, whereby the volume expansion of the gas proportion is limited and the increased construction expenditure resulting therefrom is avoided. The simple structure of the ejector pump without moving members reduces the constructional expenditure and prevents downtimes on account of repairs resulting from the wear of mechanical components. In addition, no external energy source, mixed with the delivery product, is used as a pressure liquid, which can be an impediment with the subsequent processing of the delivery product. Furthermore, no separate pressure liquid is available in many cases, so that a constant usability of the pump installation is ensured.

In view of the above, Applicants respectfully submit that the instant specification provides support for the recited “with an absence of carrier fluid.” For example, the instant specification describes that a liquid corresponding to the liquid phase of the delivered product is used as the pressure liquid and energy source for operating the ejector pump. In addition, the specification explains that no external energy source (which can be an impediment with the subsequent processing of the delivery product) is mixed with the delivery product for use as a pressure liquid. That is, the pressure liquid used to drive the ejector pump circulates between the ejector pump and the displacement pump without any permanent contamination of the delivery mixture, such that the energy supply of the ejector pump is ensured without an external energy source, in particular a hydraulic energy source, having to be provided.

Moreover, Applicants respectfully submit that one of ordinary skill in the art would understand the recited “carrier fluid” to indicate a drilling fluid, power fluid or an external hydraulic energy source, which is commonly used in drilling, pumping and delivering, in particular, hydrocarbons from a well. The carrier fluid is in contrast to the produced well fluid or

delivery product. While carrier fluids are commonly used in drilling, with the present invention, no carrier fluid is used. Instead, with the present invention, a liquid portion of the delivery product (without any carrier fluid) is used as an energy source for the ejector pump.

Thus, for these reasons, Applicants respectfully submit that claims 31 and 32 do comply with the written description requirement. Accordingly, Applicants respectfully request the rejection of claims 31 and 32 be withdrawn.

35 U.S.C. §102 Rejection

Claims 16, 17, 19, 21 and 31 were rejected under 35 U.S.C. §102(b) for being anticipated by U.S. Patent No. 4,066,123 issued to Skinner ("Skinner"). This rejection is respectfully traversed.

To anticipate a claim, each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference. MPEP § 2131. Applicants submit that Skinner does not disclose each of the features of the present invention.

Independent Claim 16

The present invention relates to a method for delivering a multi-phase mixture. Claim 16 recites, in pertinent part:

... using a displacement pump through which the multi-phase mixture is pumped, comprising, on a pressure side, splitting off a partial liquid flow from a main delivery flow and guiding the split partial liquid flow to a high-pressure side of at least one ejector pump arranged on a suction side of the displacement pump as an auxiliary delivery device,

further comprising carrying out a separation of a gas phase and a liquid phase in the displacement pump, wherein the partial liquid flow to the ejector pump is split off from the separated liquid phase.

Applicants submit that Skinner does not disclose each of the features of claim 16. For example, Applicants submit that Skinner does not disclose carrying out a separation of a gas phase and a liquid phase in the displacement pump, wherein the partial liquid flow to the ejector pump is split off from the separated liquid phase, as recited in claim 16.

In addressing previously presented claim 18 (the features of which have been incorporated into claim 16 by the current amendment), the Examiner tacitly acknowledges that Skinner does not disclose carrying out a separation of a gas phase and a liquid phase in the displacement pump, wherein the partial liquid flow to the ejector pump is split off from the separated liquid phase, stating "Skinner fails to disclose a separation device being provided within the pump housing (3)". However, in rejecting canceled claim 18 under 35 U.S.C. § 103(a) (in a group rejection with claim 22), the Examiner asserts that:

Rohlfing discloses a pump apparatus having a pressure chamber (11) in which a separation device is provided within the pump housing (3). It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Skinner so that the pump and the separator were provided in a single housing, as shown in Rohlfing, since this would have simplified the Skinner system, and further, since applicant admits that "displacement pumps and multi-phase pumps, including their pressure chambers and housings, and how they are operable to separate are well known in the art." . . .

Applicants respectfully disagree.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness. See MPEP §2142. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings.¹ Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicants submit that it would not have been obvious to modify Skinner in view of Rohlfing in the manner asserted by the Examiner.

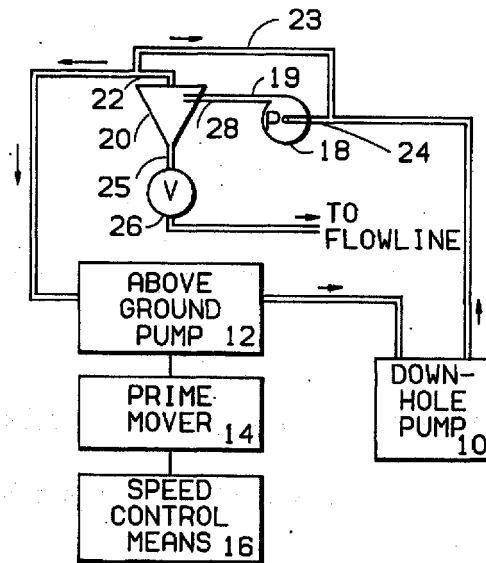
Not Obvious to Combine Skinner and Rohlfing in the Manner Asserted by Examiner

Applicants note that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, Applicants note that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Additionally, Applicants note that if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

¹ While the *KSR* court rejected a rigid application of the teaching, suggestion, or motivation ("TSM") test in an obviousness inquiry, the [Supreme] Court acknowledged the importance of identifying "a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does" in an obviousness determination. *Takeda Chemical Industries, Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-1357 (Fed. Cir. 2007) (quoting *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1731 (2007)).

Applicants submit that the Examiner-proposed modification of Skinner (i.e., the substitution of the pump of Rohlfing for the cyclone feed pump and cyclone separator of Skinner) would render Skinner unsatisfactory for its intended purpose.

Skinner discloses a hydraulic pumping unit with a variable speed triplex pump. Applicants have reproduced Figure 1 of Skinner below.



As described by Skinner, the cyclone pump 18, the cyclone separator 20 and the flowback line 23 are used to regulate the flow through the cyclone separator 20 to maintain the flow within an optimum range for effective separation in the cyclone separator, when the flow through the above-ground pump 12 is varied. For example, Skinner discloses at column 3, lines 59 – 60 that (emphasis added):

Generally, the flow into the cyclone inlet 28 is to be kept relatively constant (within about +10%). This could be achieved by using a piston pump for the cyclone feed pump 18, driving the pump at a relatively constant speed (+10%) to keep the cyclone flow within the proper cleaning range.

Additionally, Skinner discloses at column 4, lines 34 – 39 that (emphasis added):

As gears are changed in the transmission, the flow through triplex pump 12 will change in essentially the same ratio as the gear ratio change. The inlet flow of the cyclone will drop slightly and the flow through flowback line 23 will go up significantly as triplex pump 12 is slowed down.

Furthermore, Skinner discloses at column 4, lines 58 – 66 that:

From the foregoing illustration, it can be seen that the configuration of this invention provides only a relatively small change in flow through cyclone 20 despite a 2:1 change in the flow through the triplex pump 12. Thus, the gears in transmission 32 can be changed (with the resultant power savings for the AC electric motor 30) while maintaining the flow in the range which gives good cleaning in cyclone 20, clean fluid being essential to minimize costly wear of the down pump 10.

Thus, in view of the above, Applicants submit that Skinner discloses such an arrangement of the cyclone pump 18, the cyclone separator 20 and the flowback line 23 in order to maintain the flow within an optimum range for effective separation in the cyclone separator, while changing the flow through the above-ground pump 12. Moreover, Skinner discloses that such an arrangement is utilized to reduce power consumption of the above-ground pump 12 in order to reduce operational costs. That is, the above-ground pump 12 is more expensive to operate as compared to the cyclone pump 18. Thus, by allowing the above-ground pump 12 to operate at lower speeds, while maintaining proper flow through the cyclone separator, Skinner's arrangement of the cyclone pump 18, the cyclone separator 20 and the flowback line 23 saves on operational costs.

Rohlfing is directed to a multi-phase pumping process and pump, wherein the multi-phase stream is separated into a liquid portion and a gas portion. A partial liquid volume flow (around 3 percent) is recirculated through the pump to "wet the shaft seals permanently and sufficiently." The remainder of the liquid volume flow (i.e., the surplus liquid volume flow (see claim 1)) and the gas portion are then recombined at the outlet and output by the pump.

Applicants respectfully submit that the Examiner-proposed modification of Skinner (i.e., the substitution of the pump of Rohlfing for the cyclone pump and cyclone separator of Skinner) would render Skinner unsatisfactory for its intended purpose. That is, as described above Skinner uses the cyclone pump and cyclone separator (in conjunction with the feedback line 23) to maintain flow through the cyclone separator at optimum rates in response to a change in flow through the above-ground pump. However, were Skinner to be modified as the Examiner asserts, the proposed combination would result in an apparatus in which the pump of Rohlfing is substituted for the cyclone pump and cyclone separator of Skinner. Applicants respectfully submit, however, that there is no teaching or suggestion in Skinner or Rohlfing that such a substitution would be successful. That is, there is no teaching or suggestion that the pump of Rohlfing, which operates in a different manner than the cyclone separator of Skinner, would be able to maintain a flow rate there through responsive to the flow rates of the above-ground pump of Skinner.

Moreover, Applicants respectfully submit that Skinner utilizes a cyclone feed pump and cyclone separator in order to reduce costs. That is, a power savings is realized using the cyclone feed pump and cyclone separator of Skinner. However, were Skinner to be modified as the Examiner asserts, by substituting the cyclone feed pump and cyclone separator of Skinner (having the low power requirements) with the pump of Rohlfing (which has significant power requirement), Applicants submit that the power savings would not be realized, contrary to the express purpose of Skinner.

Accordingly, Applicants respectfully submit that there is no suggestion or motivation to make the proposed modification.

Additionally, Applicants submit that the Examiner-proposed modification of Skinner would change the principle of operation of Skinner. That is, as explained above, Skinner discloses such an arrangement of the cyclone pump 18, the cyclone separator 20 and the flowback line 23 in order to maintain the flow within an optimum range for effective separation in the cyclone separator, while reducing the power consumption of the above-ground pump 12. By maintaining proper flow in the cyclone separator with the cyclone pump (instead of a pump with higher operating costs, e.g., the above ground pump) a cost savings is realized.

However, Applicants submit that Rohlfing does not utilize a cyclone separator. That is, the pump of Rohlfing is not a cyclone separator. As such, Applicants submit that replacing the cyclone separator and cyclone pump of Skinner with the pump of Rohlfing (which is not a cyclone separator) would change the principle of operation of Skinner.

As such, Applicants submit that the Examiner-proposed combination of Skinner and Rohlfing would change the principle of operation of Skinner. Accordingly, Applicants respectfully submit that the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Thus, for at least these reasons, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to modify Skinner in view of Rohlfing in the manner asserted.

In addressing Applicants' arguments in the Response to Arguments, the Examiner states that:

Rohlfing is brought in merely to teach the combination of a pump and a separator in a single housing. Examiner is not suggesting replacing everything in [Skinner] with what is disclosed in Rohlfing, but rather, to simply apply Rohlfing's disclosure of a combined pump and separator into the system taught by [Skinner].

Applicants respectfully disagree. Applicants again note that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Moreover, the Examiner explicitly states that Rohlfing is cited for its disclosure of a combined pump and separator, which the Examiner asserts is obvious to use in place of Skinner's cyclone pump and cyclone separator in the system taught by Skinner. However, for at least the reasons set forth above, Applicants respectfully submit that such a modification of Skinner would render Skinner unsuitable for its intended purpose and would change the principle of operation of Skinner. As such, Applicants submit that Skinner in view of Rohlfing does not render the present invention unpatentable.

Therefore, for at least these reasons, Applicants respectfully submit that Skinner does not disclose each of the features of claim 16, and does not anticipate the present invention.

Dependent claims 17, 19, 21 and 31

Claims 17, 19, 21 and 31 are dependent claims, depending from a distinguishable base claim. Accordingly, these claims should also be in condition for allowance at least based upon their dependencies.

Claim 19

Applicants respectfully submit that the rejection of previously presented claim 19 is *per se* improper. That is, previously presented claim 19 depended from claim 18, which was not rejected under §102(b). As such, Applicants submit that the rejection of previously presented claim 19 is *per se* improper and should be withdrawn.

Claim 31

Claim 31 recites, in pertinent part:

... wherein the delivering the multi-phase mixture from the well is performed with an absence of a carrier fluid.

Applicants submit that Skinner does not disclose the delivering the multi-phase mixture from the well is performed with an absence of a carrier fluid. In addressing claim 31, the Examiner merely asserts "Skinner does not use a carrier fluid," without providing any support for his assertion. Applicants respectfully disagree.

Applicants submit that Skinner does disclose using a carrier fluid. For example, Skinner discloses at col. 1, lines 42 – 57 that (emphasis added):

A hydraulic pumping unit uses a prime mover to drive an above-ground pump (typically, a triplex pump) and this pump supplies a flow of pressurized fluid, at least some of which pressurized fluid is used as power fluid for a downhole hydraulically actuated pump. The downhole pump returns to the surface fluid which is at least some of the power fluid together with produced well fluids. At least some of this return fluid is introduced into a cyclone separator which conditions some of this fluid and makes the conditioned fluid available to the above-ground pump for use as power fluid. The remainder of the cyclone flow (the portion containing the separated solids) is sent to a flowline, where this cyclone underflow and any return fluid which was not sent to the cyclone are combined to become the production from the well.

Thus, Applicants respectfully submits that Skinner discloses a power fluid and contrasts the power fluid with the produced well fluids. As such, Applicants respectfully submit that Skinner does not disclose the delivering the multi-phase mixture from the well is performed with an absence of a carrier fluid, as recited in claim 31.

Therefore, Applicants submit that Skinner does not disclose each of the features of claim 31, and does not anticipate the present invention.

Accordingly, for these reasons, Applicants respectfully request the rejection of claims 16, 17, 19, 21 and 31 over Skinner be withdrawn.

35 U.S.C. §103 Rejections

Claim 20 was rejected under 35 U.S.C. §103(a) for being unpatentable over Skinner. Claims 18, 22 – 30 and 32 were rejected under 35 U.S.C. §103(a) for being unpatentable over Skinner in view of U.S. Patent No. 5,624,249 issued to Rohlfing (“Rohlfing”). Applicants respectfully traverse these rejections.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness. See MPEP §2142. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.² Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicants submit that the combination of references do not teach or suggest each of the claim features of the instant invention. Additionally, with regard to claim 22,

² While the *KSR* court rejected a rigid application of the teaching, suggestion, or motivation (“TSM”) test in an obviousness inquiry, the [Supreme] Court acknowledged the importance of identifying “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does” in an obviousness determination. *Takeda Chemical Industries, Ltd. v. Alphapharm Pty., Ltd.*, 492 F.3d 1350, 1356-1357 (Fed. Cir. 2007) (quoting *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1731 (2007)).

Applicants submit that it would not have been obvious to modify Skinner in view of Rohlfig in the manner asserted by the Examiner.

Independent claim 22 over Skinner in view of Rohlfig

Independent claim 22 recites, in pertinent part:

...
at least one separation device is provided within the displacement pump housing to divide a gas phase from a liquid phase in the pressure chamber,
a suction line configured to open out into a well, and
a feed line connecting the pressure chamber of the displacement pump with a high-pressure side of at least one ejector pump arranged on a suction side in a delivery direction of the displacement pump and which guides the separated liquid phase to the ejector pump.

In addressing claim 22, the Examiner asserts that Skinner teaches or suggests all of the features of the present invention, except for "the separator being located within the displacement pump."

Additionally, the Examiner asserts that Rohlfig teaches a screw-type pump that is a combined displacement pump and separator. Moreover, the Examiner asserts:

... it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Skinner so that the pump and separator were provided in a single housing, as shown by Rohlfig, since this would have simplified Skinner's system, and further, since applicant admits that "displacement pumps and multi-phase pumps, including their pressure chambers and housings, and how they are operable to separate are well known in the art"

For the reasons set forth above with regard to claim 16 (and previously presented claim 18), Applicants respectfully disagree with the Examiner's assertion that it would have been obvious to combine Skinner and Rohlfig in the manner asserted. That is, Applicants submit

that the Examiner-proposed modification of Skinner would render Skinner unsuitable for its intended purpose and would change the principle of operation of Skinner.

Accordingly, Applicants respectfully submit that the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Thus, for at least these reasons, Applicants respectfully submit that Skinner in view of Rohlfig does not render claim 22 unpatentable.

Dependent claims 18, 23 – 30 and 32 over Skinner in view of Rohlfig

By the present amendment, claim 18 has been canceled without prejudice or disclaimer. As such, Applicants submit that the rejection of claim 18 has been rendered moot.

Claims 23 – 30 and 32 are dependent claims, depending from a distinguishable base claim. Accordingly, these claims should also be in condition for allowance at least based upon their dependencies.

Claim 32

Additionally, Applicants submit that Skinner in view of Rohlfig does not teach or suggest each of the features of claim 32. Claim 32 recites, in pertinent part:

... wherein the displacement pump is operable to deliver the multi-phase mixtures in an absence of a carrier fluid.

For the reasons set forth above with regard to claim 31, Applicants respectfully submit that Skinner in view of Rohlfig does not teach or suggest the displacement pump is operable to deliver the multi-phase mixtures in an absence of a carrier fluid. Thus, Applicants submit that

Skinner in view of Rohlfing does not teach or suggest each of the features of claim 32, and does not render the present invention unpatentable.

Accordingly, for at least these reasons, Applicants respectfully request the rejection of claims 18, 22 – 30 and 32 over Skinner in view of Rohlfing be withdrawn.

Claim 20 over Skinner

Claim 20 is a dependent claim, depending from a distinguishable base claim. Accordingly, this claim should also be in condition for allowance at least based upon its dependency.

Additionally, Applicants submit that Skinner does not teach or suggest each of the features of claim 20. Claim 20 recites, in pertinent part:

... further comprising, after the partial liquid flow has been split off, guiding the split off partial liquid flow through an additional separator for dividing a gas phase from a liquid phase.

In rejecting claim 20, the Examiner states that:

Skinner does not disclose passing the partial liquid flow through an additional separator. However, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have added an additional separator to the system of Skinner, as this would have ensured that most or all of the gas was eliminated from the carrier liquid, and furthermore, because it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Applicants respectfully disagree.

Applicants submit that it would not have been obvious to one of ordinary skill in the art to, after the partial liquid flow has been split off, utilize an additional separator arranged in the feed line for dividing the liquid phase from the gas phase, as the Examiner asserts. That is,

because Skinner explicitly discloses locating an additional separator for dividing a gas phase from a liquid phase upstream of the Examiner-designated displacement pump (i.e., the cyclone feed pump). For example, as shown in Figure 2, Skinner discloses an embodiment including an additional separator for dividing a gas phase from a liquid phase. However, with Skinner, this additional separator is specifically located upstream of the cyclone feed pump to avoid the difficulty of gas coming off in the cyclone.

In view of the above, and specifically Skinner's explicit teaching of locating an additional gas separator upstream of the cyclone feed pump, Applicants submit that it would not have been obvious to add an additional separator to the system of Skinner in the manner asserted by the Examiner downstream of the cyclone separator and cyclone feed pump. For example, Applicants submit that at least such a modification would render Skinner unsuitable for its intended purpose (e.g., of avoiding the difficulty of gas coming off in the cyclone). That is, placing an additional separator downstream of the cyclone would create a system in which gas is coming off in the cyclone, which Skinner seeks to avoid.

Thus, for these reasons, Applicants respectfully submit that Skinner does not render the present invention unpatentable. Accordingly, Applicants respectfully request the rejection of claim 20 be withdrawn.

New Claims

By this amendment, Applicants have added claims 33 – 38 for the Examiner's consideration. Applicants submit that claims 33 – 38 are dependent claims and recite further distinguishable features. For example, the partial liquid flow is used to drive the ejector pump and circulates between the ejector pump and the displacement pump without any permanent


contamination of the multi-phase mixture delivered from the well is not shown by Skinner and Rohlfing. That is, each of these documents discloses the utilization of a separate carrier (or conditioned) fluid in delivering a mixture from a well, such that permanent contamination of the multi-phase mixture occurs. Additionally, Skinner and Rohlfing, for example, do not show an ejector pump not having any moving members.

As such, Applicants respectfully request that the Examiner indicate the allowability of claims 33 – 38.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,
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